

REMARKS

This is in response to the Office Action mailed on December 13, 2007. With this Response, claims 1-18 and 20-62 are presented for reconsideration and allowance in view of the following remarks.

Prior Art Status of Willard

In the Office Action, all pending claims were rejected under 35 U.S.C. § 103 based in part on Willard (US 2005/0192892 A1). As was argued in the previously filed Amendment, this basis of rejection is believed to be improper. While portions of Willard may be prior art under 35 U.S.C. §§ 102(e)/103, it is believed that other portions of Willard relied upon by the Examiner are not 102(e)/103 prior art. Based on its priority data, the Willard application appears to be a continuation-in-part application filed on March 8, 2005 of application Serial No. 10/905,989 filed on January 28, 2005, which is a continuation-in-part of application Serial No. 10/374,737 filed on February 24, 2003. It is believed that only subject matter on file prior to the July 15, 2003 filing date of the present application can qualify as 102(e)/103 prior art. Based on a preliminary review of application Serial No. 10/374,737 having a filing date of February 24, 2003, it is believed that figures 14-28 and paragraphs [0057] through [0119] of Willard potentially have a priority date after the filing date of the present application. Other portions of Willard may also not qualify as prior art under 35 U.S.C. § 102(e)/103. The Examiner relies in numerous instances on portions of Willard which are not believed to be prior art as the basis for rejecting claims. This is believed to be improper. It is respectfully requested that to establish a prima facie case of obviousness, the Examiner confirm the priority dates afforded to the various subject matter portions of Willard and withdraw rejections based only on portions of Willard which are not proper § 102(e)/103 prior art.

Claim Rejections -35 USC § 103

In section 6 of the Office Action, claims 1-2, 6, 10-11, 17, 18, 20, 21, 25, 27, 31, 58 and 61 were rejected under 35 U.S.C. 103(a) as being unpatentable over Willard (US 20050192892

Al) in view of Narin (US 6966034 B2). The citation of Willard as prior art, without identifying which portions of Willard are entitled to a priority date prior to the July 15, 2003 filing date of the present application, is believed to be improper. As noted above, in numerous instances, portions of Willard which are not believed to be prior art have been relied upon as the basis for rejecting claims. In rejecting independent claim 1, the Office Action stated:

Regarding claim 1, Willard teaches a payment processing gateway server for processing financial transactions (§57). Willard teaches a public network interface configured to couple to a public network and receive first financial transaction authorization requests, the first financial transaction authorization requests received from merchants and include transaction specific data, merchant and or store related data which is related to a merchant generating the authorization request (37, 57). Willard teaches a gateway processor configured to process first financial transaction authorization requests received through the public network interface (§37, 43, 57). Willard teaches a financial network interface configured to couple to at least one financial network and transmit second financial transaction authorization requests to a financial institution coupled to the at least one financial network based upon first financial transaction authorization requests, the financial network interface further configured to receive first financial transaction authorization results from the financial institution (§37, 43, 49, 57). Willard teaches the public network interface further configured to send second financial transaction authorization results to merchants in response to the first financial transaction authorization results (§37, 43, 49-50, 57). Willard teaches including a contract identification field which identifies a contract with a payment provider (§37, 43, 49-50, 57). Willard does not specifically teach a supplemental header. However, Narin teaches a supplemental header (cot. 4, line 4 — col. 6, line 60). Willard teaches loading money by transferring data in real-time through existing technology over a network. Narin teaches servicing requests for data transmitted across such a network, such as requests for web pages from a server computing device, such as an Internet server, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Willard to include a supplemental header. A supplemental header at the time of the invention was a well known part of a message format. A supplemental header can be used to store any kind of information (including financial data) and the information that controls the process would operate the same whether in the supplemental header or in the message body. The information is not changed or modified based on being in the supplemental header. A supplemental header is a convenient place to store the information to control a process, as it is a place that is easier to access for a wider variety of software packages.

This interpretation of the teachings of Willard is respectfully traversed. It is respectfully maintained that Willard fails to teach numerous requirements of independent claim 1. For example, independent claim 1 requires “a public network interface configured to couple to a public network and receive first financial transaction authorization requests, the first financial transaction authorization requests received from merchants and include transaction specific data, merchant and or store related data which is related to a merchant generating the authorization request and a supplemental header.” Willard provides no such teaching of a public network interface configured to couple to a public network. It is respectfully maintained that Willard does not teach that its loadable debit card system has a public network interface as asserted. For this teaching, the Office Action relies upon ¶¶ 37 and 57 of Willard. Paragraph 37 clearly discloses private card networks (card network 150), “such as a network provided by any of the well known debit/credit card transaction network providers (e.g., Star, Cirrus, Visa, MasterCard, American Express, Diners Club, etc.).” See Willard at ¶ 37. Once again, ¶ 57, which discloses “Internet Processing Platform (‘IPP’) server 1440” and “network 1420,” is not believed to be prior art to the present application, as it appears to have been added as part of a continuation-in-part after the July 15, 2003 filing date of the present application.

Similarly, there is no teaching in the cited paragraphs or elsewhere in Willard of a “contract identification field which identifies a contract with a payment provider.” The Office Action states that this limitation can be found in ¶¶ 37, 43, 49-50 and 57 of Willard, but no such teaching is provided by Willard. Lacking a teaching or suggestion of either of these claim limitations, the combination of Willard and Narin cannot render independent claim 1 or dependent claims 2, 6, 10 and 11 obvious. Further, all of dependent claims 2-16, which depend from independent claim 1, are believed to be in condition for allowance at least based on this dependency. Therefore, it is respectfully requested that the rejection of these claims be withdrawn.

In addition to being allowable based on their dependence from independent claim 1, multiple of dependent claims 2, 6, 10 and 11 rejected as being obvious in view of the combination of Willard and Narin are believed to contain limitations which provide additional

bases for allowance. For example, Willard does not teach or suggest in cited paragraph [0039] or elsewhere the limitation found in claim 2 of “memory containing a listing of valid contract identifications and wherein data in the contract identification field is compared with the contract identifications contained in the memory,” as asserted in the Office Action. Willard similarly fails to teach the limitations of dependent claims 6, 10 and 11.

In rejecting independent claim 17, the Office Action stated:

Regarding claim 17, Willard teaches a payment processing gateway server for processing financial transactions (§57). Willard teaches a public network interface configured to couple to a public network and receive first financial authorization requests, financial transaction the first authorization requests received from merchants and include transaction specific data, merchant and/or related data which is related to a merchant generating the authorization request (§37, 57). Willard teaches a gateway processor configured to process first financial transaction authorization requests received through the public network interface (§37, 43, 57). Willard teaches a financial network interface configured to couple to at least one financial network and transmit second financial transaction authorization requests to a financial institution coupled to the at least one financial network based upon first financial transaction authorization requests, the financial network interface further configured to receive first financial transaction authorization results from the financial institution (§37, 43, 49, 57). Willard teaches the public network interface further configured to send second financial transaction authorization results to merchants in response to the first financial transaction authorization results (§37, 43, 49-50, 57). Willard teaches a payment type identification field which identifies a financial network coupled to the financial network interface for processing the first financial transaction authorization request (§37, 43, 49- 50, 57). Willard does not specifically teach a supplemental header. However, Narin teaches a supplemental header (col. 4, line 4 — col. 6, line 60). Willard teaches loading money by transferring data in real-time through existing technology over a network. Narin teaches servicing requests for data transmitted across such a network, such as requests for web pages from a server computing device, such as an Internet server. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Willard to include a supplemental header. A supplemental header at the time of the invention was a well known part of a message format. A supplemental header can be used to store any kind of information (including financial data) and the information that controls the process would operate the same whether in the supplemental header or in the message body. The information is not changed or modified based on being in the supplemental header. A supplemental header is a convenient place to

store the information to control a process, as it is a place that is easier to access for a wider variety of software packages.

This interpretation of the teachings of Willard is respectfully traversed. For example, like independent claim 1, independent claim 17 requires “a public network interface configured to couple to a public network and receive first financial transaction authorization requests, the first financial transaction authorization requests received from merchants and include transaction specific data, merchant and or store related data which is related to a merchant generating the authorization request and a supplemental header.” As discussed above, Willard provides no such teaching of a payment processing gateway server including a public network interface configured to couple to a public network. Instead, it is believed that the portions of Willard which may qualify as prior art to the present application clearly teach that Willard’s loadable debit card system utilizes private card networks. Since Willard fails to teach a public network interface, it follows that Willard similarly fails to teach a “gateway processor configured to process first financial transaction authorization requests received through the public network interface based upon supplemental header.” Further, there is no teaching or suggestion in Willard or Narin that a supplemental header include “a payment type identification field which identifies a financial network coupled to the financial network interface.” Lacking a teaching or suggestion of this combination of express claim limitations, the combination of Willard and Narin cannot render obvious independent claim 17 or dependent claims 18, 20-21, 25, 27 and 31. Therefore, it is respectfully requested that the rejection of these claims be withdrawn. In addition to being allowable based on their dependence from independent claim 17, multiple of dependent claims 18, 20-21, 25, 27 and 31 are believed to contain limitations which provide additional bases for allowance.

In rejecting independent claim 58, the Office Actions stated:

Regarding claim 58, Willard teaches a payment processing gateway server for processing debit type financial transactions (§57, 65-69). Willard teaches a public network interface configured to couple to a public network and receive first financial transaction authorization requests, the first financial transaction authorization requests received from merchants and include transaction specific data, and merchant and/or store related data which is related to a merchant generating the authorization request (§37-57). Willard teaches a gateway

processor configured to process first financial transaction authorization requests received through the public network interlace (§38- 39, 55-57). Willard teaches a financial network interlace configured to couple to at least one financial network and transmit second financial transaction authorization requests to a financial institution coupled to the at least one financial network based upon first financial transaction authorization requests, the financial network interface further configured to receive first financial transaction authorization results from the financial institution (§38-39, 51, 55-57, 70-100). Willard teaches a public network interface further configured to send second financial transaction authorization results to merchants in response financial transaction results (§43-50, 59-64). Willard teaches the first authorization financial network interface further configured to send an acknowledgement to the financial institution independently of receipt of an acknowledgement from the merchant in response to the second financial authorization results (§43-50, 59-64, 70-100). Willard does not specifically teach a supplemental header. However, Narin teaches a supplemental header (col. 4, line 4 — col. 6, line 60). Willard teaches loading money by transferring data in real-time through existing technology over a network. Narin teaches servicing requests for data transmitted across such a network, such as requests for web pages from a server computing device, such as an Internet server. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Willard to include a supplemental header. A supplemental header at the time of the invention was a well known part of a message format. A supplemental header can be used to store any kind of information and the information that controls the process would operate the same whether in the supplemental header or in the message body. The information is not changed or modified based on being in the supplemental header. A supplemental header is a convenient place to store the information to control a process, as it is a place that is easier to access for a wider variety of software packages.

This interpretation of the teachings of Willard is respectfully traversed. It is respectfully maintained that Willard fails to teach numerous requirements of independent claim 58. Also, the Office Action again relies on ¶¶ of Willard which are not believed to be prior art. For example, the Office Action relies on ¶¶ 57 and 59-100, which are not believed to be prior art to the present application. Like independent claims 1 and 17, independent claim 58 requires “a public network interface configured to couple to a public network and receive first financial transaction authorization requests.” As discussed above, the loadable debt card system of Willard is not believed to have a public network interface in the portions which can be properly cited as prior

art. Similarly, lacking a public network interface, Willard is also believed to fail to teach “a gateway processor configured to process first financial transaction authorization requests received through the public network interface.” (Emphasis added) Further, there is no teaching in the cited ¶¶ 43-50 or elsewhere in Willard of the explicit claim 58 limitation of the “financial network interface further configured to send an acknowledgement to the financial institution independently of receipt of an acknowledgement from the merchant in response to the second financial authorization results.” Lacking a teaching or suggestion of this combination of express claim limitations in either of Willard or Narin, this combination of references cannot render independent claim 58 or dependent claim 61 obvious. Therefore, it is respectfully requested that the rejection of these claims be withdrawn.

In section 19 of the Office Action, claims 3-4, 15, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Willard in view of Narin, and further view of Talati et al. (US 5903878 A), hereafter referred to as “Talati.” Dependent claims 3, 4 and 15 depend from independent claim 1. Dependent claim 31 depends from independent claim 17. Since the combination of Willard, Narin and Talati also fails to teach the limitations discussed above with reference to independent claims 1 and 17, dependent claims 3-4, 15 and 31 are likewise not obvious in view this combination of references.

In section 23 of the Office Action, claims 5, 7-9, 22-24, 33-34, 36, 38, 41, 46-48, 53-55, and 57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Willard in view of Narin in further view of Official Notice. Dependent claims 5 and 7-9 depend from independent claim 1. Dependent claims 22-24 depend from independent claim 17. Since the Examiner’s Official Notice, which is traversed by Applicant, does not make up for the deficiencies of the Willard/Narin combination with regard to claims 1 and 17, dependent claims 5, 7-9 and 22-24 are in condition for allowance based both on their dependency from independent claims 1 or 17, and based on their further claim limitations.

In rejecting independent claim 33, the Office Action stated:

Regarding claim 33, Willard teaches a payment processing gateway server for processing financial transactions (¶57). Willard teaches a public network interlace configured to couple to a public network and receive first financial

authorization requests, financial transaction the first authorization requests received from merchants and which include transaction specific data, memory-able data and a memory key (§37, 57). Willard teaches a gateway processor configured to process first financial transaction authorization requests received through the public network interface (§37, 43, 57). Willard teaches a financial network interface configured to couple to at least one financial network and transmit second financial transaction authorization requests to a financial institution coupled to the at least one financial network based upon first financial transaction authorization requests, the financial network interface further configured to receive first financial transaction authorization results from the financial institution (§37, 43, 49, 57). Willard teaches and the public network interface further configured to send second financial transaction authorization results to merchants in response to the first financial transaction authorization results (§37, 43, 49-50, 57). Willard teaches a memory configured to memory the memory-able data from the first financial authorization request and index the memory in accordance with the memory key (§49, 90). Official Notice that the use of cache memory is old and well known as it provides the benefit of more efficiently utilizing storage. Cache is temporary storage that conveniently stores data that is only needed temporarily. If you stored everything in permanent storage, you'd quickly, needlessly, and inefficiently use up valuable permanent system storage on information that is only temporarily used which would be a waste of system resources. Willard does not specifically teach a supplemental header. However, Narin teaches a supplemental header (col. 4, line 4 — col. 6, line 60). Willard teaches loading money by transferring data in real-time through existing technology over a network. Narin teaches servicing requests for data transmitted across such a network, such as requests for web pages from a server computing device, such as an Internet server. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Willard to include a supplemental header. A supplemental header at the time of the invention was a well known part of a message format. A supplemental header can be used to store any kind of information and the information that controls the process would operate the same whether in the supplemental header or in the message body. The information is not changed or modified based on being in the supplemental header. A supplemental header is a convenient place to store the information to control a process, as it is a place that is easier to access for a wider variety of software packages.

This interpretation of the teachings of Willard is respectfully traversed. It is respectfully maintained that Willard fails to teach numerous requirements of independent claim 33. Further,

the Office Action's reliance on portions of Willard which are not believed to be prior art to the present application is again traversed.

Independent claim 33 requires "a public network interface configured to couple to a public network and receive first financial transaction authorization requests, the first financial transaction authorization requests received from merchants and which include transaction specific data, cache-able data and a cache key." Once again, the loadable debit card system taught in the properly citable portions of Willard is not believed to have a public network interface as asserted in the Office Action. Further, there is no teaching in the cited ¶ 37 (¶57 is believed to be improperly cited) or elsewhere in Willard of the explicit claim 33 limitation of the public network interface receiving first financial transaction authorization requests including transaction specific data, cache-able data and a cache key.

Further still, there is no teaching or suggestion in Willard of "a memory configured to cache the cache-able data from the first financial authorization request and index the cache in accordance with the cache key." Lacking a teaching or suggestion of this combination of express claim limitations, independent claim 33 and dependent claims 34, 36, 38, 41 and 46-48 cannot be obvious in over the cited combination of Willard, Narin and Official Notice. Therefore, it is respectfully requested that the rejection of these claims be withdrawn.

In rejecting independent claim 53, the Office Action stated:

Regarding claim 53, Willard teaches a financial transaction authorization request (¶50-68). Willard teaches a memory-able data field configured to contain transaction invariant data (¶51 64, 87). Willard teaches a memory key field configured to contain an index key to a database list or hash-table (¶49, 90). Willard teaches a transaction specific data field configured to contain data related to a financial transaction (¶37, 43, 49-50, 57). Official Notice that the use of cache memory is old and well known as it provides the benefit of more efficiently utilizing storage. Cache is temporary storage that conveniently stores data that is only needed temporarily. If you stored everything in permanent storage, you'd quickly, needlessly, and inefficiently use up valuable permanent system storage on information that is only temporarily used which would be a waste of system resources. Willard does not specifically teach a supplemental header. However, Narin teaches a supplemental header (col. 4, line 4 — col. 6, line 60). Willard teaches loading money by transferring data in real4time through existing technology over a network. Narin teaches servicing requests for data transmitted

across such a network, such as requests for web pages from a server computing device, such as an Internet server. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Willard to include a supplemental header. A supplemental header at the time of the invention was a well known part of a message format. A supplemental header can be used to store any kind of information and the information that controls the process would operate the same whether in the supplemental header or in the message body. The information is not changed or modified based on being in the supplemental header. A supplemental header is a convenient place to store the information to control a process, as it is a place that is easier to access for a wider variety of software packages.

This interpretation of Willard and of the cited combination is respectfully traversed. It is respectfully maintained that Willard and this combination fails to teach numerous requirements of independent claim 53. Further, the Office Action's reliance on portions of Willard which are not believed to be prior art to the present application is again traversed. Willard is not believed to teach a financial transaction authorization request having the combination of "a cache-able data field configured to contain transaction invariant data," "a cache key field configured to contain an index key to a database list or hash-table," and "a transaction specific data field configured to contain data related to a financial transaction." Lacking a teaching or suggestion of this combination of express claim limitations, independent claim 53 and dependent claims 54, 55 and 57 cannot be obvious over the cited combination. Therefore, it is respectfully requested that the rejection of these claims be withdrawn.

In section 43 of the Office Action, claim 35 was rejected under 35 U.S.C. 103(a) as being unpatentable over Willard, in view of Narin, in view of Official Notice, and in further view of Steele et al. (US 7016875 81), hereafter referred to as "Steele." The Office Action's extensive reliance on portions (e.g., ¶¶ 58-65 and 117) of Willard which are not believed to be prior art to the present application, in rejecting claim 35, is again traversed. Dependent claims 35 depends from independent claim 33. Since Steele does not make up for the deficiencies of the Willard, Narin and Official Notice combination with regard to independent claim 33, dependent claim 35 is believed to be in condition for allowance based both on its dependency from independent claim 33, and based on its further claim limitations.

In section 45 of the Office Action, claims 37 and 56 were rejected under 35 U.S.C. 103(a) as being unpatentable over Willard, in view of Narin, in view of Official Notice, and in further view of admitted prior art. Dependent claim 37 depends from independent claim 33. Dependent claim 56 depends from independent claim 53. Therefore, claims 37 and 56 are believed to be in condition for allowance based both on their dependency from allowable claims, and based on their further claim limitations.

In section 48 of the Office Action, claims 12-14, 26, and 28-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Willard, in view Narin, and in further view of Keresman et al. (US 7051002 B2), hereafter referred to as "Keresman." Dependent claims 12-14 depend from independent claim 1. Dependent claims 26 and 28-30 depend from independent claim 17. Since the combination of Willard, Narin and Keresman also fails to teach the limitations discussed above with reference to independent claims 1 and 17, dependent claims 12-14, 26, and 28-30 are likewise not obvious in view this combination of references.

In section 56 of the Office Action, claims 49-51 were rejected under 35 U.S.C. 103(a) as being unpatentable over Willard, in view Narin, in view of Official Notice, and in further view of Keresman. Dependent claims 49-51 depend from independent claim 33. Since the combination of Willard, Narin, Official Notice and Keresman also fails to teach the limitations discussed above with reference to independent claim 33, dependent claims 49-51 are likewise not obvious in view this combination of references.

In section 60 of the Office Action, claims 16, 32, and 62 were rejected under 35 U.S.C. 103(a) as being unpatentable over Willard, in view Narin, in further view of Jacobs et al. (US 6334114 B1), hereafter referred to as "Jacobs." Dependent claim 16 depends from independent claim 1. Dependent claim 32 depends from independent claim 17. Dependent claim 62 depends from independent claim 58. Since the combination of Willard, Narin and Jacobs also fails to teach the limitations discussed above with reference to independent claims 1, 17 and 58, dependent claims 16, 32 and 62 are likewise not obvious in view this combination of references.

In section 64 of the Office Action, claims 40 and 52 were rejected under 35 U.S.C. 103(a) as being unpatentable over Willard, in view Narin, in view of Official Notice, in further view of

Jacobs. Claims 40 and 52 depend from independent claim 33. Since the combination of Willard, Narin, Official Notice and Jacobs also fails to teach the limitations discussed above with reference to independent claim 33, dependent claims 40 and 52 are likewise not obvious in view this combination of references.

In section 67 of the Office Action, claims 39 and 42-45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Willard, in view Narin, in view of Official Notice, in further view of Courts et al. (US 6480894), hereafter referred to as "Courts." Claims 39 and 42-45 depend from independent claim 33. Since the combination of Willard, Narin, Official Notice and Courts also fails to teach the limitations discussed above with reference to independent claim 33, dependent claims 39 and 42-45 are likewise not obvious in view this combination of references.

In section 73 of the Office Action, claims 59 and 60 were rejected under 35 U.S.C. 103(a) as being unpatentable over Willard, in view Narin, in further view of Stewart et al (US 20020120846 A1), hereafter referred to as "Stewart." Claims 59 and 60 depend from independent claim 58. Since the combination of Willard, Narin and Stewart also fails to teach the limitations discussed above with reference to independent claim 58, dependent claims 59 and 60 are likewise not obvious in view this combination of references.

In view of the above arguments, reconsideration and allowance of all pending claims are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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